

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

UNITED STATES OF AMERICA)	CR. NO. <u>8:07-257</u>
)	18 USC § 1343
vs.)	18 USC § 2
)	
DONALD R. HOLUB)	
CYNTHIA R. HEMPE)	
NORMAN E. KURBAN)	<u>INDICTMENT</u>

THE GRAND JURY CHARGES:

1. From in or about December 2005 through in or about December 2006, in the District of South Carolina and elsewhere, the Defendants, DONALD R. HOLUB, CYNTHIA R. HEMPE and NORMAN E. KURBAN, hereinafter collectively referred to as the Defendants, devised and intended to devise a scheme and artifice to defraud and to obtain monies by means of false and fraudulent pretenses, representations and promises, and during such period stated above, did execute such scheme and artifice and, in so doing, did transmit and cause to be transmitted in interstate and foreign commerce, by means of wire communications, certain electronic sounds, signals and writings, such scheme and artifice and wire communications being more fully and specifically set forth below:

THE SCHEME AND ARTIFICE

2. The Defendants did seek to induce a potential investor in the District of South Carolina to invest funds in a medium term note trading program, which program does not exist.

3. The Defendants did falsely state to the potential investor that the investment trading program was totally risk free, that the investor's money could not be lost and that the rate of return was guaranteed and far in excess of normal investment returns.

4. The Defendants did falsely state to the potential investor that they would vouch for the accuracy of all statements made by them concerning the investment program based upon their personal experience in the said program.

5. The Defendants did falsely state that they had previously placed investors into this investment program and that these previous investors had never lost money and had received the rate of return that was being promised to the potential South Carolina investor.

THE WIRE COMMUNICATIONS

6. On or about the dates enumerated below as to each Count, in the District of South Carolina and elsewhere, having devised and intended to devise a scheme and artifice to defraud and to obtain money and property by means of false and fraudulent pretenses, representations and promises and for the purpose of executing the above-described scheme and artifice, the Defendants, DONALD R. HOLUB, CYNTHIA R. HEMPE and NORMAN E. KURBAN, did knowingly transmit and cause to be transmitted by means of wire communications in interstate and foreign commerce certain sounds, signals and writings, either sent from or received within the District of South Carolina, to wit:

COUNT	DATE	WIRE COMMUNICATION
One	February 1, 2006	Telephone Communication Between Wisconsin and South Carolina
Two	February 6, 2006	Electronic Mail Communication Between Wisconsin and South Carolina
Three	August 7, 2006	Telephone Communication Between Texas, California and South Carolina

All in violation of Title 18, United States Code, Sections 1343 and 2.

A True Bill

s/ Foreperson
FOREPERSON

s/ Reginald I. Lloyd
REGINALD I. LLOYD (dcs)
United States Attorney

MAXIMUM PENALTIES FOR 18 USC 1343

FINE OF \$250,000 (18 USC 3571) AND/OR
IMPRISONMENT FOR 20 YEARS AND A TERM
OF SUPERVISED RELEASE OF 3 YEARS (18 USC 3583)
SPECIAL ASSESSMENT \$100.00 (18 U.S.C. § 3013)



**IN THE UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF SOUTH CAROLINA**

TO: DEFENDANT

FROM: CLERK OF COURT

SUBJECT: SIGNATURE OF GRAND JURY FOREPERSON ON THE INDICTMENT

The Court does hereby attest that the signature of the Grand Jury Foreperson is affixed to the original Indictment which is being maintained by the Clerk of Court.